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the executors after advertising the sale as under the provisions of the will, executed deeds containing a warranty as executors, they were not personally liable; the warranty being without consideration, made in a representative capacity, and not having injured the purchaser. *Woods, J., dissenting.*

A power of sale given by a will does not authorize an executor to bind the estate by covenants of warranty. *Ramsey v. Wandell*, 32 Hun. (N. Y.), 482; *Godley v. Taylor*, 14 N. C., 178. If he makes such covenants they operate as personal obligations. *Jones v. Noe*, 71 Ind., 368; *Ross v. Barr*, 21 Ky. L. Rep., 974; *Lynch v. Baxter*, 4 Tex., 431. Nor is the liability of the executor on his covenants of warranty affected by the fact that the purchaser had notice of the will under which the executor sold. *Wurdeman v. Robertson*, Riley Eq. (S. C.), 115. This is true even though he describes himself as covenanting as executor. *Mitchell v. Hazen*, 4 Conn., 495. But should he covenant as executor, "but not otherwise", he does not bind himself personally, even though it may not be binding on the estate of the testator. *Thayer v. Wendell*, 23 Fed. Cas. No. 13, 873. The principal case is contrary to the authorities. However, in view of the fact that the warranty was made in a representative capacity, "as executor", and the purchaser has not been injured, it is certainly good sense, if not good law, to excuse the executor from personal liability.

JURY—EXAMINATION OF JURORS—VOIR DIRE.—*STATE v. HUFFMANN*, 99 N. E., 295 (OHIO).—*Held*, that upon a trial under an indictment for bribery, it is not competent to inquire of a prospective juror upon his *voir dire* whether he will stand upon his opinion of not guilty, formed upon due deliberation in the jury room, or will yield his opinion merely for the purpose of reaching a verdict in the case.

The purpose of the examination of a juror on *voir dire* is to determine whether or not he is qualified to sit in the trial, and a thorough examination is allowed. *Pinder v. State*, 27 Fla., 370; *Com. v. Surles*, 165 Mass., 59; *Stools v. State*, 108 Ind., 415. The questions asked should aim to disclose the juror's relation to the parties and the actual disposition of his mind as to the subject matter of the action. *People v. Plyler*, 126 Cal., 379; *Clark v. Com.*, 123 Pa. St., 555. Irrelevant or misleading questions should be excluded by the Court. *State v. Cleary*, 97 Iowa, 413; *State v. Mills*, 91 N. C., 581. The character of the questions and the nature and extent of the inquiry is left to the judgment and judicial discretion of the presiding judge. *State v. Cross*, 72 Conn., 722; *Sullivan v. Padrosa*, 122 Ga., 338; *Donovan v. People*, 139 Ill., 412. The exercise of the Court's discretion will not be disturbed on appeal unless clearly abused. *Connors v. United States*, 158 U. S., 408; *State v. Brooks*, 92 Mo., 542; *Van Stike v. Porter*, 53 Neb., 28. In view of the fact that the questions asked of a juror upon his *voir dire* are largely at the discretion of the presiding judge, and review on appeal may be had only in rare cases, the principal case must be considered contrary to the general trend of authority